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1 BEFORE THE ARIZONA POWER PLANT
2 AND TRANSMISSION LINE SITING COMMITTEE
3

4 IN THE MATTER OF THE) DOCKET NO.
5 APPLICATION OF SOUTHWEST)
6 TRANSMISSION COOPERATIVE,) L-00000CC-09-0158-00142
7 INC., OR ITS ASSIGNEES, FOR A)
8 CERTIFICATE OF ENVIRONMENTAL) Case No. 142
9 COMPATIBILITY FOR THE SAN)
10 MANUEL INTERCONNECT PROJECT) PREFILING
11 LOCATED IN THE VICINITY OF SAN)
12 MANUEL IN PINAL COUNTY,) MEETING
13 ARIZONA.)

10

11

12 At: Phoenix, Arizona

13 Date: March 9, 2009

14 Filed: March 30, 2009

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16 REPORTER'S TRANSCRIPT OF PROCEEDINGS

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Arizona Corporation Commission

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By: MICHELE E. BALMER
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24 Prepared for:

25 SITING COMMITTEE

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1 BE IT REMEMBERED that the above-entitled matter
2 came on regularly to be heard before the Arizona Power
3 Plant and Transmission Line Siting Committee, 1275 West
4 Washington Street, Phoenix, Arizona, commencing at.
5 10:00 a.m. on the 9th day of March, 2009.

6

7 BEFORE: JOHN FOREMAN, Committee Chairman

8

9 APPEARANCES:

10 For the Arizona Corporation Commission Staff:

11 Ms. Robin Mitchell
12 Staff Attorney, Legal Division
13 1200 West Washington Street
14 Phoenix, Arizona 85007

15 For Southwest Transmission Cooperative, Inc.:

16 GALLAGHER & KENNEDY, P.A.
17 By: Mr. Michael M. Grant
18 2575 East Camelback Road, Suite 1100
19 Phoenix, Arizona 85016

20

21 MICHELE E. BALMER
22 Certified Reporter
23 Certificate No. 50489

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1 CHMN. FOREMAN: Why don't we go on the record.
2 This is a preapplication conference or get-together in --
3 what is this project called?

4 MR. GRANT: It is called: In the matter of the
5 application of Southwest Transmission Cooperative, Inc.,
6 or its assignees, for a Certificate of Environmental
7 Compatibility for the San Manuel interconnect project,
8 located in the vicinity of San Manuel in Pinal County,
9 Arizona. And we anticipate filing the week of March 23rd.

10 CHMN. FOREMAN: Okay. There's no, like, less
11 ponderous name that this project goes by?

12 MR. GRANT: The San Manuel interconnect project.

13 CHMN. FOREMAN: All right. Great. Do we
14 anticipate there are going to be any parties other than
15 Staff that's going to be involved?

16 MR. GRANT: Mr. Chairman, no opposition. The
17 Southwest Transmission Cooperative did a postcard mailing
18 to all residents, property owners in the San Manuel area
19 on February 20, and have received about six phone calls,
20 mostly just informational. So we know of no intention or
21 opposition in relation to the project.

22 CHMN. FOREMAN: You have a copy of the proposed
23 notice?

24 MR. GRANT: I do.

25 CHMN. FOREMAN: Form of notice?

1 MR. GRANT: I do indeed.

2 CHMN. FOREMAN: Have you shared that with
3 Counsel?

4 MR. GRANT: Actually, I had not yet.

5 CHMN. FOREMAN: Okay.

6 MR. GRANT: I did pattern this after, Judge, the
7 hearing notice in -- I think it was 138. Now, this,
8 obviously, is a much -- doesn't have alternative routes
9 and is much simpler, but I thought that was one of the
10 most recent forms of notice that you had.

11 I also, obviously, had some questions about, in
12 the circumstances, whether the committee would want a tour
13 of the site. And this is pretty remote. Most of it is on
14 private property. The BHP closed the mine site, and
15 there's only a couple of -- I can explain this, but
16 there's only a couple of places where you can even really
17 see the property. So I wasn't sure in these circumstances
18 if the committee wanted to have a tour of the site or not.
19 So I had made provision for that, and figured we would
20 perhaps discuss it this morning.

21 CHMN. FOREMAN: And we will. I have for each of
22 you a draft procedural order that we're going to go
23 through in a little bit, and the tour is going to be one
24 of the issues that will be involved in that.

25 Let's talk about dates. How long do you

1 anticipate the hearing will go? What dates look like they
2 would be doable?

3 MR. GRANT: Judge, at the risk of dooming us, I
4 really anticipate that this should be a one-day hearing or
5 less. I will only have two witnesses, Jim Burson, the
6 manager of engineering for Southwest Transmission, who
7 will explain the need for the project and some of its
8 engineering details and those kinds of things. And then
9 we will have an environmental witness from SWCA, I believe
10 it is, who will testify about the environmental aspects of
11 the project and details of the application, the
12 information required by the rule, et cetera.

13 I would plan on prefiling their testimony as I
14 normally do before the hearing, which also helps shorten
15 things up, and have a short opening statement. As I say,
16 it's a four-and-a-half mile interconnection from an
17 existing line to an existing substation, most of which
18 running on -- about three-and-a-half of the
19 four-and-a-half miles running on BHP property between some
20 tailing sites. So there's not a whole lot there to talk
21 about, so I'm hopeful that it would be a one-day hearing.

22 CHMN. FOREMAN: Does the Staff have any plans to
23 present testimony?

24 MS. MITCHELL: We will probably present just one
25 witness.

1 CHMN. FOREMAN: Okay.

2 MS. MITCHELL: And like Mr. Grant, we can prefile
3 that testimony. And I would imagine any opening statement
4 that I had would be very brief.

5 CHMN. FOREMAN: Okay. Do you think that a
6 one-day hearing is a possibility?

7 MS. MITCHELL: Yes, I do. I always hesitate to
8 say that, because sometimes the simplest things can
9 somehow turn into the most complex. But I would
10 anticipate, from what I know about the project, that it
11 should only take one day.

12 CHMN. FOREMAN: If we do have some sentiment for
13 a tour, and if we can figure out how to engineer a tour in
14 a way that will be agreeable to everybody, that's going to
15 lengthen the process.

16 MR. GRANT: Sure.

17 CHMN. FOREMAN: We also have to have a public
18 comment period. And it's been traditional to have those
19 public comments later in the day, giving people who work
20 during the day the opportunity to come and talk.

21 It's kind of hard for me to figure out how we
22 could do that and then come back afterwards and vote. I
23 guess we could do it in the evening, or come back and do
24 it the next morning.

25 MR. GRANT: Yeah. I hadn't thought about that.

1 The last one that we had done for Southwest Transmission
2 Cooperative does go back a couple of years. We did not
3 have an evening public comment session. We had a public
4 comment session at the beginning of the hearing. So I
5 wasn't factoring that into the process.

6 CHMN. FOREMAN: Do you anticipate any public
7 comment?

8 MR. GRANT: Judge, as I say, we mailed to -- I
9 think there's about 18 -- you know, San Manuel is not an
10 incorporated town, but we mailed everyone that we knew of
11 on February 20 a postcard offering information on the
12 project. There's only about eight people who live within
13 a half a mile of this project, and there are existing
14 transmission lines and an existing substation already
15 there. And as I say, we had only received five or six
16 telephone inquiries, and not people upset, just asking,
17 what is the deal? Could you give me some more
18 information?

19 So I really, based upon what I know now, in good
20 faith, I think it's entirely possible that there may not
21 be public comment. Obviously, BHP is in support of the
22 project. They are actively marketing this mine site as a
23 possible solar renewables location. And, of course, this
24 project would facilitate the transmission of that power.
25 So BHP is very much in favor of it. I think because of

1 that, the surrounding community, to the extent that they
2 know of it, support it because it could be a good economic
3 benefit for the area.

4 So based upon what I know, it's entirely possible
5 that there -- well, there certainly wouldn't be much, if
6 any, public comment.

7 CHMN. FOREMAN: Where geographically were you
8 thinking about having the hearing?

9 MR. GRANT: That's one of the other issues. Let
10 me get my handy-dandy map here. There really is no
11 facility in San Manuel that can accommodate this hearing.
12 BHP, when the mine was operational, had built a community
13 center in San Manuel, but it has not been maintained ever
14 since the mine closed a number of years ago. I'm told by
15 the client that it has graffiti all over it, and it simply
16 would not be -- I think the client said, "I would be
17 embarrassed to have the committee come to that location."

18 So the nearest -- looking at the map here, San
19 Manuel is right here. The nearest thing to it is a
20 community center, the Saddlebrooke Community Center, which
21 is near the Biosphere, and that's about 25 miles away.
22 And it would be -- I'm told it's just below the junction
23 of Highway 79 and 77.

24 And we have checked. It would be available for
25 one day in May. We can probably book a day in May there.

1 They can't do back-to-back days because of other things
2 they have scheduled. Southwest Gas, I'm told, has had
3 some public meetings at that location, and that's the
4 Saddlebrooke Community Center.

5 The only other, really, facility in the vicinity
6 is down in Oro Valley, and that's the Hilton. That's a
7 very nice facility, I'm told, but that's about 35 miles
8 away from San Manuel. So it's even tough getting --
9 because of the remoteness of this site, it's kind of tough
10 even getting a hearing very close to it.

11 CHMN. FOREMAN: Is this community center that's
12 closer open in the evening?

13 MR. GRANT: The impression that I get from the
14 client is that it can be open at any time. It's just in
15 exceptionally bad shape.

16 CHMN. FOREMAN: I'm sorry. The one that was
17 south of the junction here.

18 MR. GRANT: I'm sorry. The community center,
19 yeah, or the -- yeah. Yes, I believe it is. I know they
20 were going to make it available the night before so we
21 could, if we selected that hearing location, so we could
22 set up audio/visual equipment. It's just that they can't
23 do two back-to-back days. I could certainly confirm, but
24 I believe we could do probably an evening session there.

25 CHMN. FOREMAN: That would be taking, I guess, a

1 significant risk if we do have to have it for a second day
2 and weren't able to. Then we're talking about --

3 MR. GRANT: -- rescheduling.

4 CHMN. FOREMAN: -- rescheduling.

5 MR. GRANT: Or at least the second day.

6 CHMN. FOREMAN: Sounds to me like it would make
7 more sense to move 10 further miles down the road and get
8 a place where we could get two consecutive days.

9 MR. GRANT: Go to the Hilton.

10 CHMN. FOREMAN: Does that make sense to the
11 Staff?

12 MS. MITCHELL: Yes.

13 CHMN. FOREMAN: All right. Then, if we're going
14 to go to the hotel in Oro Valley, what about days?

15 MR. GRANT: Well, we're planning on filing that
16 week of March 23, so I guess a couple of weeks from now.
17 So that indicated that -- assuming, you know, five, six
18 days to get the notice posted and published, that would
19 mean, basically, a May hearing. The only days that are
20 bad for my witnesses are May 20 to 22, and May 4 to 6.
21 Otherwise, we are available.

22 CHMN. FOREMAN: And what about Staff?

23 MS. MITCHELL: I think those days would work.
24 I'm okay. I don't go out as far as you do to the end of
25 May, but it's looking okay.

1 CHMN. FOREMAN: I'm sorry. Again, it was May 20?

2 MR. GRANT: May 20 to 22, and May 4 to 6. Those
3 are the bad days. Otherwise, the witnesses were available
4 pretty much throughout May. May 25 is Memorial Day.

5 CHMN. FOREMAN: And I've already got some
6 conflicts that next week, including an out-of-state trip
7 planned. So I think it will be really tricky to go then.
8 So that kind of moves us back somewhere between the 6th
9 and the 20th. I think it would be safer to schedule it
10 for two days, and hope that we can get it done in one.

11 MR. GRANT: Sure.

12 CHMN. FOREMAN: I need to poll the committee
13 members about what is good for them. Let me -- and we'll
14 need to have a pre-evidentiary hearing to finalize things,
15 but that's something that can be done back here. And I
16 would like that done less than 10 days before the
17 evidentiary hearing so that we know that anybody who is
18 going to file a notice or application to intervene will
19 have done it by then.

20 MR. GRANT: Okay.

21 CHMN. FOREMAN: Or anybody who is going to timely
22 file that notice or application will have done it by then.
23 All right.

24 MR. GRANT: Oh, one other thing I should mention.
25 I jotted a note here to myself that I forgot to cover. On

1 the site tour issue, we do plan to have a Google Earth
2 flyover for the committee, if that helps.

3 CHMN. FOREMAN: That would be helpful.

4 MR. GRANT: And that, obviously, will give, you
5 know, the aerial view and show the terrain and the
6 structures and those kind of things.

7 MS. MITCHELL: May I ask an unrelated question to
8 the tour?

9 CHMN. FOREMAN: Sure.

10 MS. MITCHELL: Mike, do you think the mine will
11 intervene?

12 MR. GRANT: I don't think so, no.

13 MS. MITCHELL: Okay.

14 MR. GRANT: They might show up and say rah-rah,
15 but --

16 MS. MITCHELL: Might give public comment. Okay.

17 CHMN. FOREMAN: Let's go through the draft
18 procedural order. That will probably cover the waterfront
19 of issues that I have.

20 I'm going to implement this order, file this
21 order after the application is filed. I'll want to
22 schedule the 180-day limit out and, again, make sure that
23 we all agree on that time. If you do disagree, why,
24 disagree in writing as soon as you can.

25 MR. GRANT: Sure.

1 CHMN. FOREMAN: The form, I'm going to presume,
2 is going to be similar to what you sent to me. Because
3 there are some issues with regard to the 138 form, I'm
4 going to want to review this and see if there's a problem.
5 I think all of the problems are going to be problems
6 associated with the agenda that I'll file.

7 MR. GRANT: Okay.

8 CHMN. FOREMAN: And I have redrafted our agenda
9 form for that. That is covered in one of these
10 paragraphs, Paragraph 7. And I'll file the agenda, and
11 then if there's any objection or correction that needs to
12 be made to be agenda, I'll want some feedback from you
13 folks as soon as possible so that we can get the agenda in
14 a form that everybody agrees is acceptable.

15 When we do plug in the dates for the hearing,
16 I'll want the Applicant to share the finalized draft with
17 Staff, and I'll want Staff to sign off on it.

18 MR. GRANT: Certainly. Point of clarification on
19 No. 7. If I'm reading this correctly, it really is the
20 Staff that comments on the agenda. Am I reading that
21 correctly?

22 CHMN. FOREMAN: No. Staff, or if Staff is not
23 the party, the Applicant shall submit. So since Staff is
24 in this case, I'll want Staff's response.

25 MR. GRANT: Okay. So I would be submitting.

1 CHMN. FOREMAN: You don't have to.

2 MR. GRANT: Okay.

3 CHMN. FOREMAN: You don't have to, but you may.
4 If you pick up something, tell me about it.

5 MR. GRANT: Sure.

6 CHMN. FOREMAN: What we're trying to do is
7 correct these errors in a timely fashion and not wait
8 until the end of the case.

9 MR. GRANT: Understood. I just wasn't quite sure
10 who was supposed to send it over your way.

11 CHMN. FOREMAN: All right. We'll pick out a date
12 and time for the evidentiary hearing.

13 We can talk about -- going back to Paragraph 2
14 and 3, as I said, we'll notice it for two days. We'll
15 schedule -- I think we'll schedule -- well, if we schedule
16 a public comment session in the evening, we're really
17 stuck with coming back on the second day.

18 MR. GRANT: Is it possible we could schedule it
19 more toward, say, 4:00 in the afternoon type time frame?

20 CHMN. FOREMAN: Sure. I think we could. I would
21 like to talk to my committee members and see whether they
22 want to have an evening session, or whether they would be
23 willing to work a long afternoon and try to get it done in
24 one day.

25 All right. Paragraph 4, check with Mr. Kearns,

1 who is the financial officer over there. He's asked to
2 have you check with him --

3 MR. GRANT: Will do.

4 CHMN. FOREMAN: -- on making logistical
5 arrangements.

6 I want you guys to meet and confer, obviously,
7 exchange information, exchange exhibits, and so on.

8 Number 6 is an attempt to address some concerns
9 that have been raised before about communications. So all
10 communication with committee members about anything
11 relating to the application is to be through me. It's to
12 be either in writing or at a hearing where there's a court
13 reporter like this one.

14 MR. GRANT: Okay.

15 CHMN. FOREMAN: If you send a letter, file a
16 copy.

17 MR. GRANT: File it with the docket?

18 CHMN. FOREMAN: If you send an e-mail, make a
19 hard copy and file it with Docket Control.

20 MR. GRANT: Okay.

21 CHMN. FOREMAN: And I'll do the same. There are
22 times when you have to send an e-mail just because of the
23 time issues. And we'll just have a rule that all of the
24 e-mails will go into the docket.

25 MR. GRANT: Okay.

1 CHMN. FOREMAN: We've talked about Paragraph 7.

2 Paragraph 8 I don't think is going to be an issue
3 here. Paragraph 9, if everybody submits their -- prefiles
4 their testimony, that will address 9.

5 Paragraph 10. It would be helpful, if you're
6 going to have exhibits shown to witnesses, to have copies
7 of them for everybody on the committee. If we're going to
8 have just one three-ring binder's worth of exhibits and
9 not have multiple binders, then just get a binder so
10 everybody can have them there and we can just put
11 everybody's exhibits in. Applicant's exhibits are going
12 to be numbered A-1, A-2, A-3, et cetera. Corporation
13 Commission exhibits, CC-1, CC-2, CC-3.

14 MR. GRANT: Judge, at least at the current time,
15 from my standpoint, I think the only exhibit that I
16 contemplate is the application itself. But if that
17 changes --

18 CHMN. FOREMAN: Things like maps sometimes make
19 their way in, and those are always helpful to the
20 committee members in trying to orient themselves. I think
21 that they will be especially important if we don't have
22 the tour.

23 MR. GRANT: Okay.

24 CHMN. FOREMAN: Or actually may be important even
25 if we do have the tour.

1 Opening statements, hopefully I don't need to set
2 time limits. Let's just say that Paragraph 12's time
3 limits are aspirational here.

4 MR. GRANT: Right.

5 CHMN. FOREMAN: Public comment we will probably
6 hear during the day. And if it appears that there's
7 somebody that wants to talk later, we may come back later.
8 We may just -- well, except if we put in the notice a
9 public comment time in the evening, we really are
10 obligated, I think, to stay and do the public comment time
11 in the evening.

12 So I'll need to talk to my committee members
13 before I find out whether they want to go ahead. And if
14 I'm understanding, both of you are comfortable with having
15 a public comment session during the day, during, let's
16 say, the noon hour, for people who want to come in then.

17 MR. GRANT: Sure.

18 MS. MITCHELL: Yes.

19 CHMN. FOREMAN: Or at any time somebody else
20 comes in.

21 MR. GRANT: Sure.

22 CHMN. FOREMAN: And you'll have forms available
23 for people to come in and say: I'm John Smith, and I want
24 to talk about --

25 MR. GRANT: Sure.

1 CHMN. FOREMAN: And that can be brought to my
2 attention, because it's hard to keep track of everything
3 that's going on --

4 MR. GRANT: Understood.

5 CHMN. FOREMAN: -- in the room.

6 Now, as far as the tours are concerned, if people
7 want to take a tour, the only way that I can figure out to
8 engineer a tour that will meet all of the concerns that
9 have been raised in the first set of cases that I was
10 involved in is to bring a court reporter along. So that
11 will be a thrilling experience, I'm sure, for the court
12 reporters.

13 And I think we'll need at least one witness who
14 can describe the locale so that when people get out of
15 their car and, you know, where are we? What are we
16 looking at? Where is the line supposed to go? Where does
17 the corridor go? Those are all questions that make the
18 tour meaningful, and they're questions that are more
19 meaningfully answered at the time and place.

20 And we have a disagreement as to whether or not
21 those are things that need to be covered, and so let's
22 just not worry about that by getting a court reporter
23 there and getting it all done.

24 MR. GRANT: Sure. And Judge, about referring to
25 this map -- and incidentally, I thought this map might be

1 used in relation to the notice. I gave the court reporter
2 and also counsel a copy.

3 But if a tour was desired, this is all, you know,
4 BHP property through here. Maybe you could -- you can see
5 Reddington Road here. Perhaps you could stop here. This
6 is tailings and some pretty rough territory. I'm not sure
7 the committee would really want to go in there.

8 And then if you wanted another perspective, there
9 is this South River Road up here. That's kind of a haul
10 to get to it. It is not a very frequently used road, but
11 that would -- then you could look back this way, again
12 toward the tailings, and you could look over -- although
13 this is separated by about a mile or so -- you could look
14 over and perhaps see the existing Southwest Transmission
15 line.

16 CHMN. FOREMAN: Is this South River Road
17 accessible by a standard automobile, or do you need a
18 four-wheel drive?

19 MR. GRANT: You know, I didn't ask that. I think
20 it's okay for a standard automobile, but I will
21 double-check that.

22 CHMN. FOREMAN: Okay. I would like to know the
23 answer to that question.

24 MR. GRANT: Understood. I know I asked the
25 client if it's a very well-traveled road, and they said

1 not at all.

2 CHMN. FOREMAN: Okay.

3 MR. GRANT: There are basically just a couple of
4 ranches that are in this vicinity that it kind of runs to.

5 CHMN. FOREMAN: Well, if this is a four-wheel
6 drive track, then I think that means in order for the
7 committee to get up there, we would have to get four-wheel
8 drives, and we would have to go all the way around. I
9 don't know what the scale is on that. What is the
10 distance around?

11 MR. GRANT: Let's see. You would have to come up
12 77 just -- oh, here it is. Come up 77 this way toward
13 Mammoth. And above Mammoth it then will intersect with
14 this River Road and you'll come back down south. The San
15 Pedro does not run throughout the year. It runs only at
16 times in this area.

17 CHMN. FOREMAN: So if I'm understanding you, it
18 looks like it could be maybe a 30-mile round trip?

19 MR. GRANT: Yeah.

20 CHMN. FOREMAN: And if we're talking about a
21 four-wheel drive path, that's an hour, perhaps two, of
22 driving.

23 MR. GRANT: Yeah.

24 CHMN. FOREMAN: Well, as I said, I've got to talk
25 to my committee members and find out if there's anybody

1 who is that enthusiastic about it.

2 MR. GRANT: That's why I was hoping that perhaps
3 both the combination of the maps and the Google Earth
4 flyover, and just the general description in the
5 application, would alleviate the need in this particular
6 case. And the fact that it's interconnecting two existing
7 facilities and those kinds of things, that perhaps a tour
8 might not be necessary.

9 It appears to be going up above Mammoth. I just
10 don't know how far.

11 CHMN. FOREMAN: It looks to me like it's going to
12 be problematic to do the tour, and I'm just -- well, I
13 just don't know until I talk to everybody whether they
14 would be enthused about it, so let me do that.

15 MR. GRANT: Or alternatively, at least if the
16 committee wants to do it, there would be something of a
17 vantage point here on south Reddington Road, so at least
18 you could look this way.

19 CHMN. FOREMAN: What is the elevation gain? Does
20 it go up over the top of this, or is this a canyon down
21 through it?

22 MR. GRANT: I think it's relatively flat, with
23 the exception of this is a cut. Obviously, the tailings
24 piles are going to -- they would be up, but this will be
25 it. So you will have a pretty straight -- as I understand

1 it, fairly level view through this canyon, but, obviously,
2 visually obstructed on both sides by -- these are
3 reclaimed tailings piles, as I understand it.

4 CHMN. FOREMAN: Okay. All right. Well, let me
5 just check on that, and we'll -- Tara will have to talk to
6 our committee members and see what their feelings are.
7 All right. So we'll decide on a tour or no tour soon.

8 Panels, doesn't sound like we're going to have
9 issues there.

10 Transcripts.

11 MR. GRANT: We will expedite.

12 CHMN. FOREMAN: And file locally a couple of
13 places.

14 Proposed findings of fact, conclusions of law,
15 and CECs and conditions. I have provided you with some
16 draft conditions that I give to you as a potential
17 starting point.

18 MR. GRANT: Okay.

19 CHMN. FOREMAN: All of them will not be relevant
20 in this case, but, obviously, I didn't know which ones
21 would and which ones wouldn't. The proposed findings of
22 fact and conclusions of law are very summary. I encourage
23 more specific findings of fact and conclusions of law.
24 But let's say that what I have put in there is sort of the
25 minimum that I have seen from prior CECs that would

1 satisfy the need for those.

2 I would like for you to discuss those, and I'll
3 have them available before the hearing in this case if
4 we're going to get it done in one day. It's always nice
5 to have something in writing to work off of. If you have
6 disagreements, flag the disagreements. If you agree on
7 things, that's great. Let us know, and that's always
8 helpful to the committee in their deliberations on the
9 CEC.

10 MR. GRANT: Judge, let me go back to that library
11 point.

12 CHMN. FOREMAN: Sure.

13 MR. GRANT: We don't have one. There just isn't
14 much, apparently, that's of a community nature in San
15 Manuel.

16 CHMN. FOREMAN: Is there anything in Mammoth?
17 Where do the people go to shop or go to school?

18 MR. GRANT: Let me check. Let me check.

19 CHMN. FOREMAN: Yeah. And if you have -- just if
20 there's one, for example, in north Tucson and then one in
21 Mammoth, that would be great. Another option would be to
22 leave it at the -- if there's a town hall or a town
23 meeting place that people have just so that local people,
24 if they wanted to keep an eye on what was happening, they
25 would have a place to go. I don't know if there is a

1 local government in San Manuel that would be willing to
2 take custody of those things or not.

3 MR. GRANT: Well, I know it is not an
4 incorporated city, so it doesn't have any city government
5 or city buildings or anything along those lines, but let
6 me check and see what is there.

7 CHMN. FOREMAN: See if you can find an
8 alternative. What we're looking for is just a place that
9 would be readily accessible to people that live in the
10 area where they would be able to come in and take a look
11 at what was done at the hearings.

12 MR. GRANT: Access point. Okay.

13 CHMN. FOREMAN: And I'm open to proposals on
14 that. And if we have -- as I said, it seems to me if
15 there's something in north Tucson or the Oro Valley area,
16 that seems to be that would be a place to put one. And
17 then if there isn't anything else locally, then I'm open
18 to proposals in that regard.

19 MR. GRANT: Okay.

20 CHMN. FOREMAN: Now, I think 18 is probably not
21 going to be an issue, because it looks like we're going to
22 have a one- or two-day hearing.

23 No. 19 we've talked about.

24 Exchanging witness summaries, proposed findings
25 of fact, proposed conclusions of law, and proposed

1 Certificates of Environmental Compatibility, those
2 conditions of certificates. Just when you do those
3 exchanges, be sure that you file it with Docket Control so
4 there's a record.

5 Again, meet and confer so that we can narrow the
6 disagreements between the parties as closely as possible.
7 And I think that covers most of what we have.

8 MR. GRANT: Okay.

9 CHMN. FOREMAN: Do you folks have questions?

10 MS. MITCHELL: I don't.

11 MR. GRANT: Judge, I don't know. Let me just
12 check my notes.

13 Oh, I know. Physical posting. Again, there's
14 not many areas to post, but this is a traveled road and we
15 could try to perhaps post --

16 CHMN. FOREMAN: Certainly I think it should be
17 posted at some sort of reasonable interval along the
18 proposed line. If you have got a four-and-a-half mile
19 line, certainly within a sight line. I don't know whether
20 that's going to be a mile, or a half a mile, or
21 three quarters of a mile.

22 And then I think you should have a little larger
23 posting on these intersections with the roads so you have
24 got one down here, and then it should be going both ways.
25 You should have one each way on that road and one each way

1 on this road.

2 MR. GRANT: Yeah. There is no public access to
3 this area, so that's what I was thinking. This is not
4 a -- but maybe post on this road and perhaps post on this
5 road?

6 CHMN. FOREMAN: So we would be talking only about
7 the civic-minded trespasser.

8 MR. GRANT: That's pretty much it. There's no
9 public access to the substation. So really, these are the
10 only two areas where there is public access in the
11 vicinity of the project.

12 CHMN. FOREMAN: Does the Staff have a position on
13 posting?

14 MS. MITCHELL: Yeah. That's an interesting
15 question, seeing how it's, like, no one can see it out
16 there in the middle of wherever this is.

17 When you say on this part of the map where the
18 mine is, are there roads that lead -- is there a building
19 where the mine used to be, or is there some office
20 building or parking lot? I'm sure the workers had to go
21 somewhere.

22 MR. GRANT: Sure. And they're showing some
23 facilities here. I just don't what that is. It's my
24 understanding everything is closed down.

25 MS. MITCHELL: That's true.

1 MR. GRANT: Now, they may have maintenance crews
2 and those kinds of things, but there is no mining or other
3 activity taking place.

4 MS. MITCHELL: Usually the posting does need to
5 be along the route, you know, the proposed route.

6 CHMN. FOREMAN: Let's do that. Let's have --

7 MR. GRANT: I mean, we could certainly ask for
8 BHP's permission, and we can -- stakes and notices --

9 MS. MITCHELL: Somewhere close.

10 MR. GRANT: -- a couple of times there. But I
11 just wanted to make sure that you knew that nobody is
12 going to be able to gain access to that.

13 CHMN. FOREMAN: Well, if there's no one around --
14 we may have people who casually walk through it. So let's
15 do not only two, one for each direction at the roads, but
16 let's put one up here near the intersection with the
17 Southwest line, and maybe one a mile -- or one in a sight
18 line along the proposed route.

19 MR. GRANT: So about three.

20 CHMN. FOREMAN: Yeah.

21 MR. GRANT: Three-and-a-half mile run, yeah.

22 CHMN. FOREMAN: Yes.

23 MR. GRANT: So two each way, Reddington and
24 river.

25 CHMN. FOREMAN: Uh-huh. Two, one each way.

1 MR. GRANT: I'm sorry. Two, one each way. And
2 then three en route.

3 CHMN. FOREMAN: Yeah. The Southwest Transmission
4 line that you are hooking into up there, I assume there's
5 some sort of right-of-way that goes down through the
6 desert or the trees up there.

7 MR. GRANT: I asked, and obviously they do have a
8 right-of-way there for the line. It is not a traveled
9 road by anyone. Now, we can certainly post as well --

10 CHMN. FOREMAN: Let's post one up there.

11 MR. GRANT: -- at the intersection point with the
12 transmission line.

13 CHMN. FOREMAN: Yeah.

14 MR. GRANT: But it's not -- again, there's no --
15 you know, occasionally there will be some traffic along
16 those, and this isn't one of those times.

17 CHMN. FOREMAN: Let's just put one up there
18 anyway. It will give the local gun enthusiasts a few
19 extra targets --

20 MR. GRANT: To plunk at, yeah.

21 One at the SWTC line. Got you. Okay.

22 CHMN. FOREMAN: All right. Any other issues that
23 we have raised? Any other issues that you guys have to
24 raise? Any objections or concerns about anything that
25 we've addressed so far?

1 MR. GRANT: Don't think so.

2 MS. MITCHELL: No.

3 CHMN. FOREMAN: Good. Then I'll look forward to
4 getting a proposed final draft of the notice and what you
5 intend to post. We will check with our committee members
6 about an evening public comment session and a tour, and we
7 will go from there.

8 MR. GRANT: And Judge, when you say revised final
9 draft, I'm not sure that I have anything yet that I would
10 revise on this one.

11 CHMN. FOREMAN: Well, you're going to need to put
12 in the times and the place.

13 MR. GRANT: Oh, understood. Once I find out.

14 CHMN. FOREMAN: And the location.

15 MR. GRANT: Sure.

16 CHMN. FOREMAN: So yes.

17 MR. GRANT: And get that to Robin as well.

18 CHMN. FOREMAN: And if I remember correctly, this
19 did not talk about a tour.

20 MR. GRANT: It did not so far. Normally that
21 language is, I think, inserted in this area.

22 CHMN. FOREMAN: Uh-huh.

23 MR. GRANT: Yeah.

24 CHMN. FOREMAN: Okay. If you could have an extra
25 copy of that for me, I would appreciate it.

1 MR. GRANT: Of this one?

2 CHMN. FOREMAN: Yes. Because I want to work on
3 that. I'm providing a copy of what I have provided for
4 you for our court reporter.

5 MR. GRANT: Yours to keep. I thought I had given
6 you one.

7 CHMN. FOREMAN: You did. It's buried underneath
8 here. All right. Very good. We'll go check on dates.

9 MR. GRANT: And then Tara, why don't I just get
10 back to you or have my assistant Peri get back to you on
11 that question of whether or not there is -- oh, if River
12 Road is only four-wheel drive.

13 MS. WILLIAMS: Okay. Sure.

14 CHMN. FOREMAN: Yes. That would be a helpful bit
15 of information as far as whether people want to go on the
16 tour.

17 MR. GRANT: Right.

18 CHMN. FOREMAN: Okay. Very good.

19 MR. GRANT: Appreciate the time.

20 CHMN. FOREMAN: You bet. Looks like it should be
21 very simple and straightforward. Let's hope we can keep
22 it that way.

23 MR. GRANT: Keep our fingers crossed.

24 (The Prefiling Meeting concluded at 10:45 a.m.)

25

1 STATE OF ARIZONA)
) ss.
 2 COUNTY OF MARICOPA)

3

4 I, MICHELE E. BALMER, Certified Reporter
 5 No. 50489 for the State of Arizona, do hereby certify that
 6 the foregoing printed pages constitute a full, true and
 7 accurate transcript of the proceedings had in the
 8 foregoing matter, all done to the best of my skill and
 9 ability.

10

11 WITNESS my hand this 22nd day of March, 2009.

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Michele E. Balmer
 MICHELE E. BALMER
 Certified Reporter
 Certificate No. 50489